

Amendments to the Drawings:

The attached sheets of drawings include changes to FIGS. 2, 4, 7, 12 and 22. These sheets, which include FIGS. 2, 4, 7, 11-12 and 22, replace the original sheets including FIGS. 2, 4, 7, 11-12 and 22. In FIG. 2, reference character "A-A" depicting a sectional view has been changed to - - IV-IV - -. In FIG. 4, the line indicating sectional view "B-B" has been deleted and in FIG. 7 "SRG" has been changed to - - SGR - -. In FIG. 12, the reference character "RN" has been deleted. In FIG. 22, the reference character "KB" has been deleted.

ATTACHMENT: Five (5) Replacement Sheets

REMARKS/ARGUMENTS

The claims are 2-24. Claim 1 has been canceled in favor of new claim 24 to better define the invention. Accordingly, claims 2-4, 7-11, 14, 15, 17 and 21-22, which previously depended on claim 1, have been amended to depend on new claim 24. These claims, and claims 5, 6, 12, 13, 16, 18-20 and 23, have also been amended to improve their form. The Specification and FIGS. 2, 4, 7, 12 and 22 have also been amended. Support may be found, *inter alia*, in the disclosure at page 2, second paragraph and FIG. 5. Reconsideration is expressly requested.

The Examiner has refused to grant Applicants' request for foreign priority on the basis of "an application filed in Germany on 10/24/2003". It appears that the Examiner is referring to the International Application for which this application claims priority under 35 U.S.C. §365, not 35 U.S.C. §119, as stated in the Office Action. In any event, in response Applicants submit herewith an English translation of both the German priority Application No. 102 54 322.4 filed November 21, 2002, and International Application PCT/EP2003/011783 filed October 24, 2003, in accordance with the Examiner's request, as well as respective statements that the translations are accurate.

The Drawings were objected to as failing to comply with 37 C.F.R. §1.84(p)(4) because the reference character "GKA" had been used to designate both the "counter - contour" at page 28, line

24, and "the bracing rails" at page 28, line 18, of the Specification and also because the reference character "FL" had been used to designate both "the wall shank" at page 28, line 12, of the Specification and "the flange rail" at page 29, line 20. The Drawings were also objected to as failing to comply with 37 C.F.R. §1.84(p)(4) because reference character "FLW" at page 28, line 4, and "FL" at page 28, line 12, have both been used to designate "the wall shank". The drawings were also objected to as failing to comply with 37 C.F.R. §1.84(p)(5) because reference character "FE" for "the tongue" was missing from FIGS. 2-4, and the reference character "FL" for "the wall shank" was missing from FIGS. 19-21. The drawings were also objected to as failing to comply with 37 C.F.R. §1.84(p)(5) because the drawings included the following reference characters which were said not to be mentioned in the description:

Reference character "A" in FIG. 2;

Reference characters "SWG" and "SWD" in FIGS. 2, 3 and 5;

Reference characters "B" and "FF" in FIG. 4;

Reference character "SRG" in FIG. 7;

Reference character "RN" in FIG. 12; and

Reference character "KB" in FIG. 22.

In response, Applicants have amended FIGS. 2, 4, 7, 12 and 22 and the Specification to correct these informalities. Specifically, the Specification has been amended at pages 27-28

to refer to a "counter-contour" as "TKA" and to indicate "the wall shank" with the designation "FLW". Pages 15-16 have been amended to correct the designation for the "tongue" from "FE" to - - FF - - as is shown in FIG. 4, and it is respectfully submitted that there is no need to show tongue "FF" also in FIGS. 2 and 3 as it is shown in FIG. 4. FIG. 2 has been amended to change the reference character "A-A" to - - IV-IV - - to indicate the sectional view shown in FIG. 4, and the Specification has been amended accordingly at pages 11 and 15-16. The Specification has also been amended to refer to the reference characters "SWG" and "SWD" with respect to FIGS. 2, 3 and 5 (except for "SWD" for FIG. 5, which is not referred to in FIG. 5). The reference character "B-B" has been deleted from FIG. 4. FIG. 7 has been amended to correct the designation "SRG" to - - SGR - -. FIGS. 12 and 22 have been amended to delete the reference characters "RN" and "KB", respectively. It is respectfully submitted that the foregoing amendments overcome the objections of the Examiner under 37 C.F.R. §1.84(p)(4) and 37 C.F.R. §1.84(p)(5), and Applicants respectfully request that the objections to the drawings be withdrawn.

The Specification was also objected to because page 28 discloses the phrase "wall shank" with multiple reference characters such as "FLW" at line 4 and "FL" at line 12, and the reference character "GKA" was said to be confused because on page 28, "GKA" was used to describe "the counter-contours" at line 4

and "the bracing rails" at line 19, and because reference character "FL" was used to describe "the wall shank" at page 28, line 12 and "the flange rail" at page 29, line 20. In response, Applicants have amended the Specification as indicated above which, it is respectfully submitted, overcomes the Examiner's objection to the Specification on the basis of these informalities.

Claims 4, 14 and 21-23 were rejected under 35 U.S.C. §112, second paragraph, as lacking antecedent basis for certain terms. In response, Applicants have, *inter alia*, amended claims 4, 14 and 21-23 to provide such antecedent basis which, it is respectfully submitted, overcomes the Examiner's rejection of the claims under 35 U.S.C. §112, second paragraph.

Claims 1-24 were rejected under 35 U.S.C. §103(a) as being unpatentable over *Huber et al.*, U.S. Patent No. 293,209, in view of *Leipold et al.*, U.S. Patent No. 2,419,109. In this connection, Applicants note that the Examiner has not formally made *Leipold et al.* of record by listing it on the "Notice of References" cited attached to the Office Action, and the Applicants respectfully request that the Examiner do so.

Essentially, the Examiner's position was that *Huber et al.* discloses the arrangement recited in the claims except for the vibrate base and the base plate bent in a U shape, that *Leipold*

et al. discloses this feature, and that it would have been obvious to one of ordinary skill in the art to modify the case assembly of *Huber et al.* by providing the vibrate base of *Leipold et al.*

In response, Applicants have canceled claim 1 in favor of new claim 24 to better define the invention and respectfully traverse the Examiner's rejection for the following reasons.

As set forth in new claim 24, Applicants' invention provides an arrangement for producing molded concrete bricks, including at least one insert for determining a contour of a molded brick and an insert support for holding the at least one insert against a vibrating base. The insert support includes a rigid, twist-resistant hollow case having a base plate forming a bottom portion of the case, a cover plate vertically distanced from the base plate and forming a top portion of the case, and a plurality of side walls connecting the base plate and the cover plate. The base plate and the cover plate include recesses for accommodating the at least one insert, the recesses having edges for horizontally supporting the at least one insert. The at least one insert is horizontally supported by the edges and vertically supported on at least the base plate or the cover plate. In this way, Applicants' invention provides an arrangement for producing molded concrete bricks that has a simple and inexpensive structure.

As an initial matter, it is respectfully submitted that the Examiner's rejection is difficult to understand, because it is frequently unclear as to which elements of the patents cited by the Examiner are being relied upon as corresponding to components recited in Applicants' claims.

In any event, none of the cited references discloses or suggests an arrangement for producing molded concrete bricks as recited in Applicants' new claim 24, including an insert support for holding at least one insert against a vibrating base having a rigid, twist-resistant hollow case, which includes a base plate forming the bottom portion of the case and a cover plate vertically distanced from the base plate and delimiting the hollow case at the top and at the bottom.

The primary reference to *Huber et al.* simply discloses a frame (outer frame) 18 on the insides of which a small frame is held as an insert support assembly 92. The insert support assembly 92 has a lesser height than the outer frame as becomes particularly clear from the sectional diagram according to FIG. 4 of *Huber et al.* As shown in FIG. 4, reference numeral 62 refers to a part of the outer frame, and reference numeral 98 refers to a support member of the insert support assembly. The insert member 122 is set onto the insert support member 98 and screwed in place there. The entire insert is composed of several insert members, and determines the contour of the ceramic bodies to be

produced. Only the center height region of the insert 122 serves to shape the ceramic bodies.

The case assembly 12 of *Huber et al.* having the outer frame 18, the insert support assembly 92, and the insert 122 is fixed in place, for example, in a machine. A lower punch assembly 16 is introduced into the openings of the inside support assembly from below and lifted all the way into the lower region of the insert 122. The fields in the insert 122 are filled with ceramic mass using the fill box 52. Afterwards, an upper punch assembly 14 is lowered into the fields of insert 122 from above, and the ceramic mass is compacted to produce the ceramic bodies. The compacted ceramic bodies are pressed out upward after the upper punch assembly 14 has been raised, in that the lower punch assembly is moved upward relative to the case assembly. See column 4, lines 60-64 of *Huber et al.* No shaking of the material or of the arrangement takes place, and there is also no vibration table against which the mold is pressed in *Huber et al.*

Although *Huber et al.* has a base 34 in the case of the lower punch assembly, and a base 22 in the upper punch assembly, these bases are obviously not part of the mold. Therefore, it is unclear what the Examiner considers to be a base in *Huber et al.* in the paragraph bridging pages 10-11 of the Office Action. It is also unclear what the Examiner is calling a cover plate in *Huber et al.* In that same paragraph, the Examiner also states

that the insert support serves to press the insert against a table which, it is respectfully submitted, is incorrect because the insert support supports the insert itself from below, and a table is definitely not present in *Huber et al.* In the first two lines of page 11 of the Office Action, although the Examiner states that the insert support itself is supported on the inner surface of a base plate, it is respectfully submitted that again it is unclear what the Examiner considers the base plate. As the insert support is exclusively supported on the outer frame in *Huber et al.*, it appears that the outer frame is now being considered by the Examiner as the base plate here, whereas previously it appeared that the Examiner intended that the insert support corresponded to the base and the outer frame corresponded to the cover plate.

Similarly, the first full paragraph on page 11 of the Office Action is not understood, because it is unclear where in column 8, lines 13-24 of *Huber et al.* spacer elements allegedly occur in the Examiner's view.

In the paragraph bridging pages 11-12 of the Office Action, the terms of the individual components in *Huber et al.* again appear to be confused. The Examiner states that the insert is pushed in through the recesses of the plates; however, under this interpretation, both the cover plate and the base plate would be formed by the same element, mainly the outer frame. In that same

paragraph, moreover, the Examiner states in the second and third line of this paragraph that the insert "comes to a stop on a first one of the two plates, and is attached to the second of the two plates", and references the text of *Huber et al.* in column 5, lines 21-28. This text, however, describes something completely different, namely a limitation of the vertical submersion of the upper punch assembly 14 into the openings of the insert, whereby limit stops 32 contact the top of the outer frame.

In that same paragraph of the Office Action, the Examiner states "the insert is welded to the base plate" which, it is respectfully submitted, is likewise unclear, as well as the relationship between the text in Column 5, lines 31-37 of *Huber et al.* referenced by the Examiner and this assertion.

In the last sentence of page 11 of the Office Action, the Examiner explains that the insert projects beyond the cover plate and the base plate, but again, it is completely unclear what the Examiner considers the base plate and what the Examiner considers the cover plate in this case with respect to *Huber et al.*

The defects and deficiencies of the primary reference to *Huber et al.* are in no way remedied by the secondary reference to *Leipold et al.* *Leipold et al.* shows another and different arrangement in which two vertical end plates 15 and two vertical side plates 16 delimit an interior space that is open towards the

top and towards the bottom and can be set onto a base. One end plate, in each instance, is welded onto a side plate (see column 3, lines 27-30 of *Leipold et al.*). Therefore, it is respectfully submitted that the Examiner is incorrect in his position that there is a U-shaped bent part present in *Leipold et al.* It is also respectfully submitted that it is not possible to speak about a base plate or a cover plate in the *Leipold et al.* arrangement because the mold in *Leipold et al.* is open at the top and bottom.

Although the Examiner cites FIG. 3 of *Leipold et al.* in connection with the assertion that the base plate is part of a bent plate, it is respectfully submitted that FIG. 3 of *Leipold et al.* simply shows the device for washing blocks which renders the Examiner's assertion not understood. In the sentence that runs from page 13 to page 14 of the Office Action, the Examiner asserts that the cover plate and base plate are the center part of a U-shaped bent plate in each instance in *Leipold et al.* but again, it remains completely unclear as to what this assertion is supposed to mean. The Examiner also asserts that in *Leipold et al.*, two U-shaped bent plates are allegedly rotated by one another by 70 degrees and have openings that face one another, and cites the text in column 5, lines 4-7, of *Leipold et al.*; however, this text describes the rotating eccentric weights 56 in FIG. 2, which are formed by two disks 561, 562, which are rotated

eccentric to one another according to FIG. 1A. Again, the reference to U-shape bent plates is not understood.

In any event, *Leipold et al.* fails to disclose or suggest an arrangement for producing molded concrete bricks having the structure recited in new claim 24, or to teach the benefits that result from that structure. Accordingly, it is respectfully submitted that the claims are patentable over the cited references.

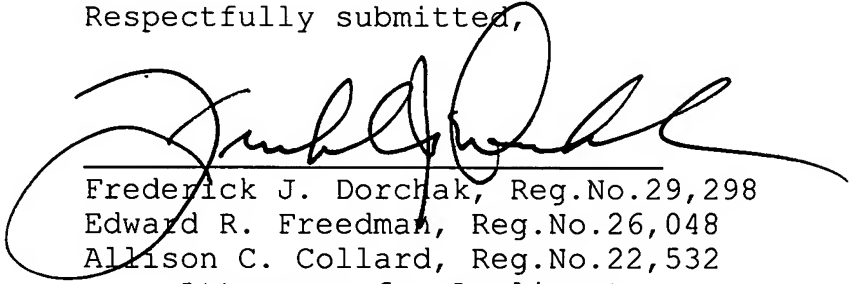
Applicants also attach a Supplemental Declaration which correctly states the filing date of 24 October 2003 for the International Application, and which also acknowledges the duty to disclose information material to "patentability".

In summary, claims 2-23 have been amended; claim 1 has been canceled, and new claim 24 has been added. The Specification and FIGS. 2, 4, 7, 12 and 22 have also been amended. A Supplemental Declaration and verified translations of the International

Application and the German priority application have been provided. In view of the foregoing, it is respectfully requested that the claims be allowed and that this case be passed to issue.

Respectfully submitted,

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Enclosure(s): Appendix: Five (5) sheets of Replacement Drawings
and Supplemental Declaration
Verified Translation of PCT/EP2003/011783
Verified Translation of DE 102 54 322.4
Copy of Petition for Extension of Time

I hereby certify that this correspondence is being deposited with the U.S. Postal Service as first class mail in an envelope addressed to: Commissioner of Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on June 6, 2007.



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APPENDIX